



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

UNITED CIGARETTE MACH. CO., Limited, *v.* BROWN.

Sept. 11, 1916.

[89 S. E. 850.]

1. **Corporations (§ 162*)—Shares—Liens—Reservation.**—A corporation may, by its articles of incorporation, reserve a lien for the debts and liabilities of the stockholders to the corporation, on shares of stock held by them and on dividends accruing.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 577, 606, 607; Dec. Dig. § 162.* 3 Va.-W. Va. Enc. Dig. 559.]

2. **Corporations (§ 169*)—Stock—Reservation of Lien.**—Where a corporation reserved a lien on shares of stock for all claims due the corporation from the shareholders, the lien is not destroyed because limitations have run against enforcement of the claims due from the shareholders.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 577, 620-623; Dec. Dig. § 169.* 3 Va.-W. Va. Enc. Dig. 813.]

3. **Equity (§ 66*)—Maxims—One Seeking Equity Must Do Equity.**—A court of equity may require one seeking equity to do equity, and in that way by counterclaim give effect to rights otherwise barred by limitations, etc.

[Ed. Note.—For other cases, see Equity, Cent. Dig. §§ 188-190; Dec. Dig. § 66.* 9 Va.-W. Va. Enc. Dig. 731.]

4. **Corporations (§ 169*)—Stock—Liens—"Unliquidated Damages"—What Are.**—"Unliquidated damages" are such as rest in opinion only and must be ascertained by a jury, the amount not being susceptible of calculation; therefore, where complainant breached a contract giving the defendant corporation exclusive right to sell in specified localities machines to be furnished at a fixed price, making sales in violation of the agreement and also delivering to defendant machines other than those ordered, which were rejected, defendant losing the amount paid, the damages, being susceptible of computation by deducting from the price received by complainant the price fixed for sale to defendant, are liquidated damages, and claims therefor may, under articles of incorporation reserving to defendant corporation the right to set off against shares of stock claims due from shareholders, be set off against shares owned by complainant who breached such contract.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 577, 620-623; Dec. Dig. § 169.* 3 Va.-W. Va. Enc. Dig. 813.

For other definitions, see Words and Phrases, First and Second Series, Unliquidated Damages.]

5. **Corporations (§ 130*)—Shares of Stock—Transfer—Limitation.**—Where complainant, the holder of shares of stock of defendant cor-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

poration, was guilty of breach of contract which injured the corporation, the corporation might refuse to transfer his share on its books, the articles of incorporation reserving the lien on shares of stock for claims due from shareholders and authorizing a refusal to register transfer of any shares on which the corporation had a lien, notwithstanding limitations had run against, enforcement of the corporation's rights against complainant.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 488, 489; Dec. Dig. § 130.* 12 Va.-W. Va. Enc. Dig. 812.]

Appeal from Corporation Court of Lynchburg.

Bill by W. T. Brown against the United Cigarette Machine Company, Limited, which filed an answer in the nature of a cross-bill. From a decree for complainant, defendant appeals. Reversed.

Coleman, Easley & Coleman, of Lynchburg, for appellant.
Harrison & Long, of Lynchburg, for appellee.

BOTTOM *v.* MOORE, Auditor of Public Accounts.

Sept. 11, 1916.

[89 S. E. 856.]

Officers (§ 100 (2)*)—Compensation—Increases.—Const. 1902, § 83, providing that salaries of officers shall be fixed by law and neither increased nor diminished during the term, applies only to executive officers, specifically enumerated in article 5, and not to officers whose positions are created by and subject to change or abolition by the Legislature, as that of the public printer.

[Ed. Note.—For other cases, see Officers, Cent. Dig. § 154; Dec. Dig. § 100 (2).* 77 Va.-W. Va. Enc. Dig. 500.]

Petition for mandamus by Davis Bottom against C. Lee Moore, Auditor of Public Accounts. Writ awarded.

James E. Cannon, of Richmond, for petitioner.
John Garland Pollard, Atty. Gen., for respondent.

KAIN *v.* ASHWORTH.

Sept. 11, 1916.

[89 S. E. 857.]

1. Judgment (§ 183*)—On Motion—Jurisdiction—Cause of Action—Statute.—Under Code 1904, § 3211, as amended by Acts 1914, c. 18,

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes